IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE V.ESWARAIAH

Writ Petition No.24763 of 2007
DATED 29-11-2007

BETWEEN
Daram Jayantiraju

.. Petitioner

And

The District Collector,
Krishna District at Machilipatnam and others.

.. Respondents

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.24763 of 2007

ORDER:

It is the case of the petitioner that he is in possession and enjoyment of an extent of Ac.2.50 cents of land in Survey No.360/3 situate at Bomminampadu Village, Mudinepalli Mandal, Krishna District. While so, a notice in Form-1 under Rule 3 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 (for short 'the Act')dated 9.6.2005 was issued to him alleging that the said land is assigned land and he is found in possession of the said land in contravention of the provisions of sub-section (2) of Section 3 of the Act and accordingly he was called upon to submit his explanation within 15 days as to why he shall not be summarily evicted. Thereafter, no action has been taken.

It is not known whether the petitioner has encroached upon the government land or is in possession of the assigned land in contravention of the provisions of the Act. But, however, the learned Government Pleader appearing for the respondents submits that no

final orders have been passed pursuant to the notice issued by the respondent authorities.

The case of the petitioner is that he is a landless poor person belonging to scheduled caste and having white card and, therefore, he is entitled for the assignment of the land in question and, therefore, he has made a representation on 31.10.2007 to the authorities requesting for assignment of the said land and proposals for assignment of the said land are pending. It is also stated that even if the petitioner has encroached upon the Government land, without following due process of law under the A.P. Land Encroachment Act, 1905 the authorities cannot evict him.

I am not inclined to express any opinion with regard to the entitlement of the petitioner for assignment of the land in question. It is for the respondents to consider the claims of poorest of the poor in the village for assignment of the land in accordance with the Rules and the guidelines issued from time to time. But, however, as the petitioner is in possession of the land in question, he cannot be evicted without following due process of law.

Accordingly, the writ petition is disposed of directing the respondents not to evict the petitioner from the lands in question without following due process of law.

V.ESWARAIAH,J

Dt.29.11.2007

Note: Furnish CC in 2 days.
(B/o)